PTO/SB/21 (02-04)
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TRANSMITTAL FORM

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Application Number	09/396,530
Filing Date	9/15/1999
First Named Inventor	Randall A. Addington
Art Unit	3711
Examiner Name	William Pierce
Total Number of Pages in This Submission: 29	Attorney Docket Number: 99-1002

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
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- ☐ Status Letter
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Remarks

Appeal Brief Responsive to Notification mailed 8/11/2004

To: 703 872-9306

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Joel I. Rosenblatt Patents Trademarks Copyrights
Signature	Joel I. Rosenblatt 8/25/2004
Date	08/25/2004

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Typed or printed name	Joel I. Rosenblatt		
Signature	Joel I. Rosenblatt 8/25/2004	Date	08/25/2004

OFFICIAL

Application Number: 09/396,530 Group Art Unit: 3711

Filing Date: 9/15/99 Examiner Name: William Pierce

Inventors: Randall Addington et al. Attorney Docket No.: 99-1002

Title: Method For Improving Bowler's Control

Assistant Commissioner of Patents
P.O. Box 1450
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Appellants Appeal Brief To Final Rejection Mailed 6/24/2002
and
Response to *Notification of Non-Compliance*, Mailed 08/11/2004

A Petition to make Special Under37 CFR 102(c) has been granted in this Application and has been granted in parent application 09/130,905, filed 08/07/98.

I. The Real Parties In Interest are the Applicants

II. There are no related appeals or interferences.

III. Final rejection of Claims 3, 4, and 14 -30, are appealed. Claim 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, and 13, are cancelled. Claims in IX., Appendix are 3 and 4 as originally filed and then as amended by applicants' amendment 5/19/2000 and claims 14 -30, added by applicants' amendment dated 5/19/2000. These claims have been compared with the claims in the Patent Office file and are believed correct.

IV. One (1) amendment was filed after Final Rejection. That amendment was filed July 12, 2002. This amendment after final rejection a) deleted Figure 9, and proposed substitute

Figure 9, therefor, b) proposed new Figures 10 and 11, and c) proposed four (4) new paragraphs to the specification related to Figure 9 and approved Figures 10 and 11.
The Advisory Action mailed 08/16/2004, responsive to applicant's 12 July 2004 amendment after Final Rejection, approved the proposed drawings Figures 9, 10, and 11, (See Advisory Action, Block 8), and rejected the proposed amendment (See Advisory Action, Block 2(c) and 2(d)) and affirmed the Final Rejection of Claims 3, 4, and 14 to 30, for purpose of appeal (See Advisory Action, Block 7).

V. SUMMARY OF THE INVENTION

This invention is a method of using a finger pad protector to distribute the force on the bowlers middle finger pad when lifting a bowling ball to impart rotation and spin to the bowling ball, at the moment of release from the middle fingers.

The background of this invention is known to those skilled in the art as shown in the 1984 Patent 4,371,163 of Shaffer. Shaffer shown the release of the bowling ball from a bowler's middle finger by applying a force from the bowler's finger pad to the bowling ball finger hole to lift the bowling ball and impart rotation and spin. This conventional bowling method is shown in Shaffer, column 3 lines 33 to 65 and column 4, lines 1 to 18, and with particular attention to the disclosure in Shaffer, column 3, lines 45 to 52, and column 4, lines 10 to 17, describing the known method o f using the finger pad in the bowling ball finger hole to "rotate the underside of the ball upward, an effect called 'lift', as the ball is in the process of release from the finger pad. The application of a force on the ball from the finger pad inserted into the bowling ball finger hole, as is well known, produces a counter force from the bowling ball against the bowler's finger pad. (Background)

With acknowledgment of the above stated Background, and the method ,well known to those skilled in the art, of releasing the ball from the bowlers middle fingers with a rotating motion imparted to the ball, known as "lift," to impart spin to the ball, the invention may be summarized (See approved drawing Figure11), as the method of using a rigid finger pad shield 14, in contact with the bowler's finger pad 16, to distribute the counter force 103, produced from the bowling ball, over the contact area 15 made by the finger pad shield 14

and the bowler's finger pad 16 and to reduce the pressure over the contact 15, when the bowler applies his or her maximum natural force 101 to the ball to apply the rotating "lift" force from the bowler's finger pad through the finger pad shield, to the ball finger hole upon the release of the ball 90.

In a record Declaration Under 37 CFR 132, by Dr. W. Robert Addington, II, DO, a co inventor and a Board Certified Physician in Rehabilitation Medicine and an expert in muscular skeletal medicine, explains "maximum natural force," in the context of bowling and lifting the ball at its release, as a range with a recognized limit, and ates,

> In the sport of bowling, a bowler will choose a ball suitable to that bowler's muscular skeletal development and within the limited weight allowed by bowling authorities such as the American Bowling Congress. While a stronger bowler at the upper end of the limit of muscular skeletal development, may prefer a heavier ball, the force applied from the bowling ball to the finger pad will be limited by the maximum weight of a bowling and the maximum force which can be applied to the bowling ball within a limit of muscular skeletal development.
>
> There is a limit to muscular skeletal development and a maximum force with respect to the limit of that muscular development. The recited claims would be understood by one skilled in the art of bowling and bowling devices, at the time this application was filed, as a bowler's maximum force within that limit of muscular skeletal development applied to the ball to lift the ball at its release.

(End of reference to Declaration of Dr. W. Robert Addington)

The finger pad shield 14 is made rigid to substantially resist deformation from the force of the bowling ball a range limited by the conventional limit of bowling ball weights and the limit of muscular skeletal development.

See application page 23, lines 16 -31, page 24, lines 1 -13.

This is a summary as required under Rule 1.192(c)(5). A more detailed structural description

of the invention, for example of the limiting means recited in the claims are as shown in Figures 5 and 6 and the accompanying description on page 16, lines 13 - 26, and on page 21, lines 16 - 25, and in the specification describing the invention as shown in drawings Figures 1 -8 and in the proposed specification submitted 12 July 2002, with the approved drawings Figures 9 -11.

VI. Issues

Whether rejection of claims 3, 4, and 14 - 30 under 35 U.S.C. 102(b) as anticipated by Marinese et al. (See Final Rejection mailed 6/24/2002. page 3) should be overruled.

VII. Grouping of the Claim

Claims 3, 4, and 14 -30 stand rejected under 35 U.S.C. 102 b. However Claims 14 -22 and 3 and 4, are separately patentable from, and do not stand or fall with claim 21 and 22 and with claims 23 to 30, and claims 21 and 22 are separately patentable from and do not stand or fall with claims 14 -30 and 3 and 4, and 23 -30, for the reasons presented in the Argument to Final Rejection.

VIII Argument To Final Rejection Of Claims 3, 4, and 14 -30 As Anticipated By Marinese

A. Points and Authorities

1. Standard of Evidence and Burden of Proof

THE ADMINISTRATIVE PROCEDURE ACT STANDARD OF SUBSTANTIAL EVIDENCE IS INCORPORATED INTO ALL ARGUMENTS MADE IN THIS APPEAL

In all of the Arguments 1 to 4 inclusively, Applicant's position is the Board's decision is under the Administrative Procedure Act Standard for a Patent Office rejection that requires a fact based conclusion based on substantial evidence. Dickenson v. Zurko 50 USPQ 2d 1930, 193, and in which asks whether a reasonable mind might accept a particular evidentiary record as adequate to support a conclusion. Zurko, at1935. See In Re. Kotzab 217 F. 3d 1365 (Fed. Cir 2000) requiring the rejection be "based on particular findings." at 1370. See In Re. Gartside 203 F.3d 1305 (Fed. Cir. 2000) requiring that a rejection be based on substantial evidence meaning "...such relevant evidence as a reasonable mind might

accept as adequate to support a conclusion..." at 1312;and that a Patent Office decision, "must explicate its factual conclusions enabling... [the Court...] to verify readily whether those conclusions are indeed supported by 'substantial evidence'...," at 1314 Underlining added) (hereinafter "APA Standard").

Speaking of this Standard of Substantial Evidence, as applied to a decision rejecting an application for patent, the Court, relying on In re. Zurko, said,

> Judicial review of a Board decision denying an application for patent is thus founded on the obligation of the agency to make the necessary findings and to provide an administrative record showing the evidence on which the findings are based, accompanied by the agency's reasoning in reaching its conclusions. See In re Zurko, 258 F.3d 1379, 1386, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001) (review is on the administrative record); In re Gartside, 203 F.3d 1305, 1314, 53 USPQ2d 1769, 1774 (Fed. Cir. 2000) (Board decision "must be justified within the four corners of the record").

In re. Sang-Su Lee 277 F3d. 1338. 1342, 1343 (Fed. Cir. January 18, 2002).

2. Anticipation Under 35 U.S.C. 102

Anticipation under 35 U.S.C. 102(b) requires a single reference expressly or inherently describe each and every element as set forth in the claim. The identical invention must be shown in as complete detail as is contained in the claim. Manual of Patent Examining Procedure, Rev. 1, Feb 2000 Section 2131, Anticipation - Application of 35 U.S.C. 102(a)(b)(c),page 2100-54.

3. Requirements for Supporting A References's Disclosure By Inherency

A showing of Inherency requires the Examiner provide a rationale or evidence tending to show Inherency. See MPEP R3, July 1997, SECTION 2112 Requirements of Rejection Based on Inherency; Burden of Proof. , page 2100–47

In relying upon the theory of Inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). See MPEP, R3, July 1997, SECTION 2112 Requirements of Rejection Based on Inherency; Burden of Proof, page 2100–47

It is only when the prior art products are identical or substantially identical in structure or composition or are produced by identical or substantially identical processes, a *prima facie* case or anticipation is established. A *prima facie* case can be rebutted by evidence showing the prior art products do not necessarily possess the characteristic of the claimed product See MPEP, R3, July 1997, SECTION 2112 Requirements of Rejection Based on Inherency; Burden of Proof, page 2100–

(All 'MPEP," references refer to the Manual of Patent Office Procedure)

B. Errors In The Rejection

Claims 3, 4, and 14 -30 stand rejected on the grounds given in examiner's Final Rejection, mailed 6/24/2002.

1. The errors in the rejection of Claim 14 (See Office action 6/24/1002, page 3, lines 6 -23) are explained in the following.

a) The rejection fails to address claim 14 in its full context. The recited steps of claim 14 are restated, without being faithful or giving any credit or consideration to the claim 14 recitations as presented for examination and without applying the alleged facts of

Marinese against the recited method steps of claim 14.). By inspection of the grounds of rejection, the alleged facts of Marinese are not shown as meeting any of the claim 14 method steps, as recited in the claim presented for examination.. (See Office action 6/24/1002, page 3, lines 7-9).

'There is no record showing how any material record facts of Marinese anticipates each of the steps in the recitation of claim 14.

b) That part of the rejection stating,

> the apparatus of Marinese transmits the forces applied by the bowlers finger to the finger pad and then to the bowling ball to control the release and the lift placed on the bass as called for in steps d-f.

(See Office action 6/24/1002, page 3, lines 9 - 11),
is a conclusion without any record facts or reasons supported by record facts, showing that the device or operation of the device, of Marinese anticipates each step of claim 14 as presented.

c) The rejection misuses and misapplies the rule of Inherency in an attempt to find the pieces missing in Marinese needed to make a complete rejection of anticipation under 35 U.S.C. 102. (See Office action 6/24/1002, page 3, lines 14 - 19). A showing of Inherency require a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.

The grounds for rejection of claim 14 fail to show facts and reasons to support an inherency rejection requiring the device of Marinese in its normal and ususal operation, necessarily performs the steps of method claim 14.

The included statement in the rejection (page 3, lines 18 - 19) that,

> . . . the apparatus of Marinese and the instant invention are being use (sic) to transmit forces from a bowlers hand to the bowling ball which is old and well known,

by itself or taken together with the rejection discussed in subparagraphs a or b, above with reference to the Office action 6/24/1002, page 3, line 7-9, and 9 - 11, is deficient in stating a conclusion of what is alleged Marinese shows but without a showing of the record facts of Marinese in support of this conclusion and without applying the disclosure of Marinese to the

recited claim 14 method steps, as presented for examination in this application.

By inspection, the recited method steps of claim 14, as presented for examination, recite more than merely to "transmit forces from the bowlers hand to the bowling ball."

d) the rejection of paragraphs d - f of claim 14 based on an alleged admission of applicant is deficient by not stating the alleged admission. The rejection must show record facts in support of its conclusion applicant has made as an admission, a statement against its interest. (See Office action 6/24/1002, page 3, lines 20 - 23).

Applicant is unaware, and the grounds of rejection has not stated any alleged admission. Applicant cannot be forced to fashion the alleged and unstated admission for the examiner. Fundamental fairness requires the examiner to state the alleged admission in full.

2. The rejection of Claim 15 (See Office action 6/24/1002, page 3, lines 24 - 25), based on an alleged admission of applicant is deficient by not stating the alleged admission. The rejection must show record facts in support of its conclusion applicant has made as an admission, a statement against its interest.

Applicant is unaware of, and the grounds of rejection has not stated any, alleged admission. Applicant cannot be forced to fashion the alleged and unstated admission for the examiner. Fundamental fairness requires the examiner to state the alleged admission in full.

3. The rejection of Claim 3 (See Office action 6/24/1002, page 3, lines 26 - 29), is a conclusion of what examiner has "considered," what the disclosure of Marinese shows as applied to claim 14 and not a ground based on record facts and reasons.

There is no reason given why the rejection concludes,

". . .the limitations of claim 3 are considered met.. ."

There is no statement of the alleged admission. .The rejection must show record facts of the alleged admission in support of the conclusion applicant has made as an admission, a

statement against its interest.

Applicant is unaware of, and the grounds of rejection has not stated anym alleged admission. Applicant cannot be forced to fashion the alleged and unstated admission for the examiner. Fundamental fairness requires the examiner to state the alleged admission in full.

4. The rejection of Claim 16 (See Office action 6/24/1002, page 3, lines 30 - 31), is deficient by not supporting the statement of rejection for the recitation,

"[d]istributing the force over the widest area . . ."
(See Office action 6/24/1002, page 3, line 30),

by showing of record facts of Marinese, by not applying the alleged elements of Marinese to the alleged corresponding elements of the claim as presented for examination and by attempting to use an admission by application without stating the alleged admission made by applicant.

Applicant is unaware of , and the grounds of rejection has not stated any, alleged admission. Applicant cannot be forced to fashion the alleged and unstated admission for the examiner. Fundamental fairness requires the examiner to state the alleged admission in full.

5. The rejection of Claim 17 (See Office action 6/24/1002, page 4, lines 3 - 4), is deficient by not supporting the statement of rejection regarding,

". . . reducing said pressure substantially with said contact area . . ."
by record facts of Marinese, by not applying the alleged elements of Marinese to the alleged corresponding elements of the claim as presented for examination and by attempting to use an admission without stating the alleged admission made against the self interest of the applicant.

Applicant is unaware of, and the grounds of rejection has not stated any, alleged admission. Applicant cannot be forced to fashion the alleged and unstated admission for the examiner. Fundamental fairness requires the examiner to state the alleged admission in full.

6. The rejection of Claim 18 (See Office action 6/24/1002, page 4, lines 5 -6), is deficient by not supporting the statement of rejection regarding,

"[d]istributing the force substantially uniform . . ."

by record facts of Marinese, by not applying the alleged elements of Marinese to the alleged corresponding elements of the claim as presented for examination and by attempting to use an admission by application without stating the alleged admission made against the self interest of the applicant.

Applicant is unaware of, and the grounds of rejection has not stated any, alleged admission. Applicant cannot be forced to fashion the alleged and unstated admission for the examiner. Fundamental fairness requires the examiner to state the alleged admission in full.

7. The rejection of Claim 19 (See Office action 6/24/1002, page 4, lines 7 -8), is deficient by not supporting the statement of rejection for the recitaton,

"[r]educing the contact pressure as in claim 19 is inherent in Marinese and old in the art . . .."

by record facts of Marinese, by not applying the alleged elements of Marinese to the alleged corresponding elements of the claim as presented for examination and by

attempting to use an admission by application without stating the alleged admission made against the self interest of the applicant.

Applicant is unaware of, and the grounds of rejection has not stated any, alleged admission. Applicant cannot be forced to fashion the alleged and unstated admission for the examiner. Fundamental fairness requires the examiner to state the alleged admission in full.

8. The rejection of Claim 20 (See Office action 6/24/1002, page 4, line 9), is deficient by not supporting the statement of rejection based on inherency by record facts of Marinese, and by not or supplying a rationale for justifying the alleged disclosure by inherency demonstrating the normal and usual use of the device of Marinese necessarily perform the recited method in the presented claims, by not applying the alleged elements of Marinese to the alleged corresponding elements of the claim as presented for examination, and by attempting to use

an admission by application without stating the alleged admission made against the self interest of the applicant.

Applicant is unaware of, and the grounds of rejection has not stated any, alleged admission. Applicant cannot be forced to fashion the alleged and unstated admission for the examiner. Fundamental fairness requires the examiner to state the alleged admission in full.

9. The rejection of Claims 21 to 30 (See Office action 6/24/1002, page 4, line10), is deficient by failing to state the recited steps which are rejected, by not supporting the statement of rejection or providing a rationale for justifying the rejection or by attempting to use an alleged admission without stating the alleged admission made against the self interest of the applicant, and for all of the reasons as are given hereto for claims 3, 4 and 14 -30.

Applicant is unaware of, and the grounds of rejection has not stated any, alleged admission. Applicant cannot be forced to fashion the alleged and unstated admission for the examiner. Fundamental fairness requires the examiner to state the alleged admission in full.

10. The statements made in the Office action 6/24/1002, page 4, lines11 to 22, are deficient by failing to show how the well known method of using the middle fingers to apply "lift," to the ball, as described in the 1984 Patent 4,371,163 of Shaffer. (See Section V. Summary, above), is normal or usual for the thumb protector of Marinese or the use of the thumb protector of Marinese would necessarily perform the method of using the fingers to apply lift to the ball. as recited in the claims, or that Marinese shows any method for using the thumb protector for controlling the ball at all, or that any method of ball control is performed in the normal and usual use of the Marines thumb protector.

C. Why claims 3, 4, and 14 - 30, are patentable

The sole reference applied in rejection is Marinese.

1. What Marinese Shows To One Skilled In The Art.

a) What one skilled in the art would know

One skilled in the art would know what was is disclosed in the 1984 Patent 4,371,163 of Shaffer. What is disclosed in Shaffer is covered in Section V, Summary of the Invention, above. In summary of that description, Shaffer teaches the method of bowling by using one or more middle fingers positioned in a ball finger hole to rotate the ball and impart spin the ball, while in the process of releasing the ball from the middle fingers. This process is known a applying "lift," to the ball. As shown in Shaffer, when the ball is released, the only contact with the ball is with a finger hole by the ends of fingers and with the thumb withdrawn from, and not in contact with, the ball.

That and the design of a covering for the thumb is all any one would know from Marinese. There is no teaching or disclosure of any use of the thumb in the method shown in Shaffer of applying "lift" to the ball by use of the middle fingers.

b) What Marinese shows and the limits of Marinese,

1. in the control of the ball, for example, as when throwing a hook, the pressure exerted bt the thumb is an important factor, the opposed fingers intended to prevent the ball from slipping from the fingers. (Col. 1, lines 13 -19)

2. the thumb is used to apply pressure to the ball and becomes swollen (col.1, lines 20 -35).

3. the Marinese device is a thumb protector and thumb gripping device (col 1, lines 63 -65).

4. the thumb protector consists of an outer member 1 made of a substantially rigid material (col. 2, lines 46 -49), and inner member 7 composed of a resilient cushioning material (col2, lines 1 -3).

5. in effecting control of the ball, pressure is applied to the ball by the thumb (Col.3, lines 21 -25), and

6. the thumb protector is responsive to thumb pressure in control of the ball and enable release of the ball without frictional drag (col. 1, lines 55 -61).

c) Marinese does not show.

1. Marinese teaches away from any use of the middle finger in controlling or releasing the ball (col. 1 lines 17 -19, col. 3, lines 33 -44)..

2. Marinese has no disclosure of any method of controlling the ball using the disclosed thumb protector, including without limitation, any method of controlling the ball using the thumb with the middle fingers or using the thumb to impart "lift," to the ball, using the middle fingers as shown in Shaffer, or as recited in the claims of this application.

3. Marinese doe not disclose or teach using the thumb protector to protect the finger pad when imparting lift in the release of the ball.

4. Marinese makes no showing of applying lift to the ball or of any method of using the thumb in the control of the ball.

2. Claim 14 is not anticipated by Marinese.

Claim 14 is claim 23 with the additional recitation of the method steps of transmitting and receiving the first and second forces to and from the bowling ball, in the lift of the ball at its release and the result of distribution of those forces over the contact area made between the first surface of the finger pad shield and the bowler's finger pad.

The claim 14 recitation of the steps of,

d. releasing said finger pad of a bowler and said finger pad shield from said finger hole of a bowling ball by applying a first force from said finger pad of a bowler in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield,

against said interior surface of said finger hole of a bowling ball, to lift said bowling ball and producing a second force in a second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield; and

f. said step e, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, includes the step of distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield, for reducing a pressure over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield, produced by said second force, in a second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield,

is not met by Marinese. Marinese does not show in the process of applying lift to the ball, applying a first force to the ball through the finger pad shield and receiving a second force from the ball and distributing that force over a contact area made between the finger pad shield and the bowlers finger pad.

3. Claim 15 is not anticipated by Marinese.

Claim 15 recites,

said step d, of releasing said finger pad of a bowler and said finger pad shield from said finger hole of a bowling ball . . . includes the step g, of applying a maximum natural force a bowler is capable of producing from said finger pad of a bowler. .. . , and wherein said finger pad shield is rigid for distributing said second force in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield.

Marinese discloses the outer member 1 may be rigid but does not disclose any qualify of rigidity or how rigid the outer member may be or disclose the above limitation in claim 15.

4. Claim 16 is not anticipated by Marinese

> The claim 16 recitation of,
> distributing said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield over the widest area of said contact area for preventing pressure spots within said bowler's finger pad,

Is not shown as disclosed in Marinese. Marinese does not show any forces on the thumb protector or how the thumb protector may protect any part of the thumb.

5. Claim 17 is not anticipated by Marinese.

> The claim 17 recitation of,
> distributing said second force, in said second direction from said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure substantially within said contact area made between said bowler's finger pad and said first surface of said finger pad shield,

is not shown as disclosed in Marinese.

6. Claim 18 is not anticipated by Marinese.

> The claim 18 recitation of,
>
> distributing said second force, in said second direction from said interior surface

of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, substantially uniformly,

is not shown as disclosed in Marinese.

7. Claim 21 is not anticipated by Marinese.

Claim 21 is the recitation of claim 14 with the additional recitation that the finger pad shield is placed,

". . .on a finger pad of a middle finger . . " and "forming a contact area made between said finger pad of a middle finger of a bowler . . ."

(see subparagraph a), and

"receiving said second force . . . over said contact area . . .for reducing a pressure over said contact area made between said finger pad of a middle finger . . . and said first surface of said finger pad shield . . .,"

(see subparagraph f),

and is not shown as disclosed in Marinese. Marinese's device is shown used on the thumb, but is not disclosed as used in the release and lift of the ball or reducing pressure on the thumb in the release and lift of the ball. The method of Marinese cannot achieve the result of reducing pressure on the finger pad of the bowler's middle finger in the release and lift of the ball.

8. Claim 22 is not anticipated by Marinese.

The claim 22 recitation of,

step h. of applying a maximum natural force a bowler is capable of producing from said finger pad of a middle finger of a bowler,

and

wherein said finger pad shield is rigid for distributing said second force in said second direction, from said interior surface of said finger hole of a bowling ball,

against said second surface of said finger pad shield, over said contact area made between said finger pad of a middle finger of a bowler and said first surface of said finger pad shield.,

is not shown as disclosed in Marinese.

9. Claim 23 is not anticipated by Marinese.

The claim 23 recitation of,

c. releasing said finger pad from said finger hole by applying a first force against said interior surface to lift said bowling ball and impart forward velocity to said bowling ball, and producing a second force from said interior surface against said finger pad shield;

d. said step c, of releasing, includes the step of receiving said second force over said contact area and distributing said second force over said contact area,

is not shown as disclosed in Marinese.

10. Claim 26 is not anticipated by Marinnese.

Claim 26, reciting,
step g, of controlling the depth of insertion of said finger pad shield in said finger hole of a bowling ball by engaging a raised surface connected to said finger pad shield and extending away from said finger pad shield, with the surface of said bowling ball to limit the depth of insertion of said finger pad shield into said finger hole of a bowling ball,

Is not shown as disclosed in Marinese.

11. Claim 3 is not anticipated by Marinese.

Claim 3 reciting the

steps of: supporting said finger pad finger pad shield with a support made of a rigidly deflectable material which holds said finger pad shield in a stable position relative to said support ; and transferring the force of the bowling ball from said finger pad shield to said support to producing a counter force in said support for restoring said support to said stable position,

is not shown as disclosed in Marinese.

12. Claim 4 is not disclose by Marines for the reasons given with respect to claim 26.

13. Claim 19 is not anticipated by Marinese for the reasons given with respect to claim 17.

14. Claim 20 is not anticipated by Marinese for the reasons given with respect to claim 18.

15. Claim 24 is not anticipated by Marinese for the reasons given with respect to claim 16.

16. Claims 27, 28, 29 and 30, are not anticipated by Marines for the reasons given with respect to claims 17, 18, 19, and 20.

END OF PART VIII

PART IX, CONTAINING THE APPEALED CLAIMS 14 -30, AND CLAIMS 3 AND 4, FINALLY REJECTED, ARE IN PART IX. APPENDIX

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IX.

APPENDIX

CLAIMS 14-30 AND 3 AND 4

Claim 3. The method of claim 14 including the steps of: supporting said finger pad finger pad shield with a support made of a rigidly deflectable material which holds said finger pad shield in a stable position relative to said support ; and transferring the force of the bowling ball from said finger pad shield to said support to producing a counter force in said support for restoring said support to said stable position.

Claim 4. The method of claim 14 including the step of controlling the depth of insertion of said finger pad finger pad shield in said finger hole of a bowling ball by engaging a raised surface connected to said finger pad shield and extending away from said finger pad shield, with the surface of said bowling ball to limit the depth of insertion of said finger pad shield into said finger hole of a bowling ball.

Claim 14. A method of using a finger pad shield placed in contact with the finger pad of a bowler's finger inserted into a finger hole of a bowling ball, to reduce the pressure on the finger pad when releasing said bowling ball from said bowler's finger and to improve a bowler's control over a direction or spin on a bowling ball, when lifting the bowling ball to impart spin and velocity, at release, comprising the steps of:

a. placing a finger pad shield having a first surface, and a second surface opposed to said first surface, on a finger pad of a bowler, with said first surface in contact with said finger pad of a bowler and forming a contact area made between said finger pad of a bowler and said first surface of said finger pad shield;

b. inserting said finger pad shield, in a finger hole of a bowling ball;

c. said step b, of inserting said finger pad shield in said finger hole of a bowling ball, including the step of placing said second surface of said finger pad shield, in contact with an interior surface of said finger hole of a bowling ball;

d. releasing said finger pad of a bowler and said finger pad shield from said finger hole of a bowling ball by applying a first force from said finger pad of a bowler in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball, to lift said bowling ball and producing a second force in a second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield;

e. said step d, of releasing said finger pad of a bowler and said finger pad shield from said finger hole of a bowling ball, includes the step of receiving said second force in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, through said finger pad shield to said first surface of said finger pad shield and over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield; and

f. said step e, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, includes the step of distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield, for reducing a pressure over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield, produced by said second force, in a second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield.

Claim 15. The method of claim 14, wherein, said step d, of releasing said finger pad of a bowler and said finger pad shield from said finger hole of a bowling ball by applying a first force from said finger pad of a bowler in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball to, to lift said bowling ball, includes the step g, of applying a maximum natural force a bowler is capable of

producing from said finger pad of a bowler, in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball, and producing said second force in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and wherein said finger pad shield is rigid for distributing said second force in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said finger pad of a bowler and said first surface of said finger pad shield.

Claim 16 The method of claim 14, wherein said step f, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure on said contact area, includes the step h, of distributing said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield over the widest area of said contact area for preventing pressure spots within said bowler's finger pad.

Claim 17. The method of Claim 14, wherein said step f, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, produced by said second force, in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield. includes the step i, of distributing said second force, in said second direction from said finger

hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure substantially within said contact area made between said bowler's finger pad and said first surface of said finger pad shield.

Claim 18. The method of Claim 14, wherein said step f, of receiving said second force in said second direction from said finger hole of a bowling ball, against said second surface of said finger pad shield, and distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure over said contact area, produced by said second force, in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, includes the step j, of distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure over said contact area
made between said bowler's finger pad and said first surface of said finger pad shield, substantially uniformly.

Claim 19. The method of Claim 15, wherein, said step f, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure on said contact area made between said bowler's finger pad and said first surface of said finger pad shield, produced by said second force, in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, includes the step k, of distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger

pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure substantially within said contact area made between said bowler's finger pad and said first surface of said finger pad shield.

Claim 20. The method of Claim 15, wherein said step f, of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure on said contact area, produced by said second force, in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield. includes the step l, of distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said bowler's finger pad and said first surface of said finger pad shield, for reducing said pressure within said contact area made between said bowler's finger pad and said first surface of said finger pad shield, substantially uniformly..

Claim 21. A method of using a finger pad shield placed in contact with the finger pad of a bowler's middle finger inserted into a finger hole of a bowling ball, to reduce the pressure on the finger pad when releasing said bowling ball from said bowler's finger and to improve a bowler's control over a direction or spin on a bowling ball, when lifting the bowling ball to impart spin and velocity, at release, comprising the steps of:

a. placing a finger pad shield having a first surface, and a second surface opposed to said first surface, on a finger pad of a middle finger of a bowler and forming a contact area made between said finger pad of a middle finger of a bowler and said first surface of said finger pad shield;

b. inserting said finger pad shield, in a finger hole of a bowling ball;

c. said step b, of inserting said finger pad shield in said finger hole of a bowling ball , including the step of placing said second surface of said finger pad shield, in contact with an interior surface of said finger hole of a bowling ball;

d. releasing said finger pad shield from said finger hole of a bowling ball by applying a first force from said finger pad of a middle finger of a bowler, in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball, to lift said bowling ball, and producing a second force in a second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield; and

e. said step d, of releasing said finger pad shield from said finger hole of a bowling ball, includes the step of receiving said second force in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield and through said finger pad shield to said first surface of said finger pad shield and over said contact area made between said finger pad of a middle finger of a bowler and said first surface of said finger pad shield; and

f. said step e. of receiving said second force in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, includes the step of distributing said second force, in said second direction from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said finger pad of a middle finger of a bowler and said first surface of said finger pad shield, for reducing a pressure over said contact area made between said finger pad of a middle finger of a bowler and said first surface of said finger pad shield, produced by said second force, in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield.

Claim 22. The method of claim 21, wherein, said step d, of releasing said finger pad shield from said finger hole of a bowling ball by applying a first force from said finger pad of a

middle finger of a bowler, in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball to, to lift said bowling ball, includes the step h. of applying a maximum natural force a bowler is capable of producing from said finger pad of a middle finger of a bowler, in a first direction against said first surface of said finger pad shield, through said finger pad shield to said second surface of said finger pad shield, against said interior surface of said finger hole of a bowling ball, and producing said second force in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, and wherein said finger pad shield is rigid for distributing said second force in said second direction, from said interior surface of said finger hole of a bowling ball, against said second surface of said finger pad shield, over said contact area made between said finger pad of a middle finger of a bowler and said first surface of said finger pad shield.

Claim 23. A method of using a finger pad shield placed in contact with the finger pad of a bowler's finger inserted into a finger hole of a bowling ball, to reduce the pressure on the finger pad when releasing said bowling ball from said bowler's finger and to improve a bowler's control over a direction or spin on a bowling ball, when lifting the bowling ball to impart spin and velocity, at release, comprising the steps of:

a. placing a finger pad shield over a finger pad of a bowler, and forming a contact area;

b. placing said finger pad shield in contact with an interior wall of a finger hole of a bowling ball;

c. releasing said finger pad from said finger hole by applying a first force against said interior surface to lift said bowling ball and impart forward velocity to said bowling ball, and producing a second force from said interior surface against said finger pad shield;

d. said step c, of releasing, includes the step of receiving said second force over said contact area and distributing said second force over said contact area.

Claim 24. The method of claim 23, wherein, said step c, of releasing, includes the step e, of applying a maximum natural force a bowler is capable of producing from said finger pad of a bowler, in a first direction against said interior surface to lift said bowling ball, and producing said second force, and wherein said finger pad shield is rigid for distributing said second force over said contact area.

Claim 25. The method of claim 23, wherein said step d, of receiving and distributing said second force over said contact area, includes the step f, of distributing said second force, over the widest area of said contact area for preventing pressure spots within said bowler's finger pad.

Claim 26. The method of claim 23, including the step g, of controlling the depth of insertion of said finger pad shield in said finger hole of a bowling ball by engaging a raised surface connected to said finger pad shield and extending away from said finger pad shield, with the surface of said bowling ball to limit the depth of insertion of said finger pad shield into said finger hole of a bowling ball.

Claim 27. The method of Claim 23, wherein said step d, of receiving and distributing said second force over said contact area, includes the step h, of distributing said second force over said contact area for reducing said pressure substantially within said contact area.

Claim 28. The method of Claim 23, wherein said step d, of receiving and distributing said second force over said contact area, includes the step i, of distributing said second force over said contact area, substantially uniformly.

Claim 29. The method of Claim 24, wherein, said step d, of receiving and distributing said second force over said contact area includes the step j, of distributing said second force substantially within said contact area

Claim 30.. The method of claim 24, wherein, said step d, of receiving and distributing said second force over said contact area includes the step k,, of distributing said second force over said contact area, substantially uniformly.

End of part IX.

Joe Allen
8/25/2004